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ABSTRACT

In recognition of the fact that it is important to understand the contributions of the minority groups to the culture of the United States, this booklet presents the major political and governmental philosophies of the Iroquois League as practiced by the original League, and as practiced by the Mohawk and Seneca Nations today. The booklet may be used as a source of supplementary material when teaching social science courses. Included are many of the ideas about the power of government, the rights of the people, and the implementing of the laws as practiced by the Iroquois League which were incorporated into the Constitution of the United States by the Founding Fathers. This booklet was written specifically to present these major ideas as some of the most important contributions of the Native American Tribes to the thinking of the Founding Fathers of the United States Constitution and to give teachers and students a better understanding of one of the important Native American groups which gave so much to the development of the United States government. Appendices include three short biographies on influential Iroquoians (Thayendanegea, Deganawidah and Hiawatha) and important dates in Iroquois history. (Author/AN)

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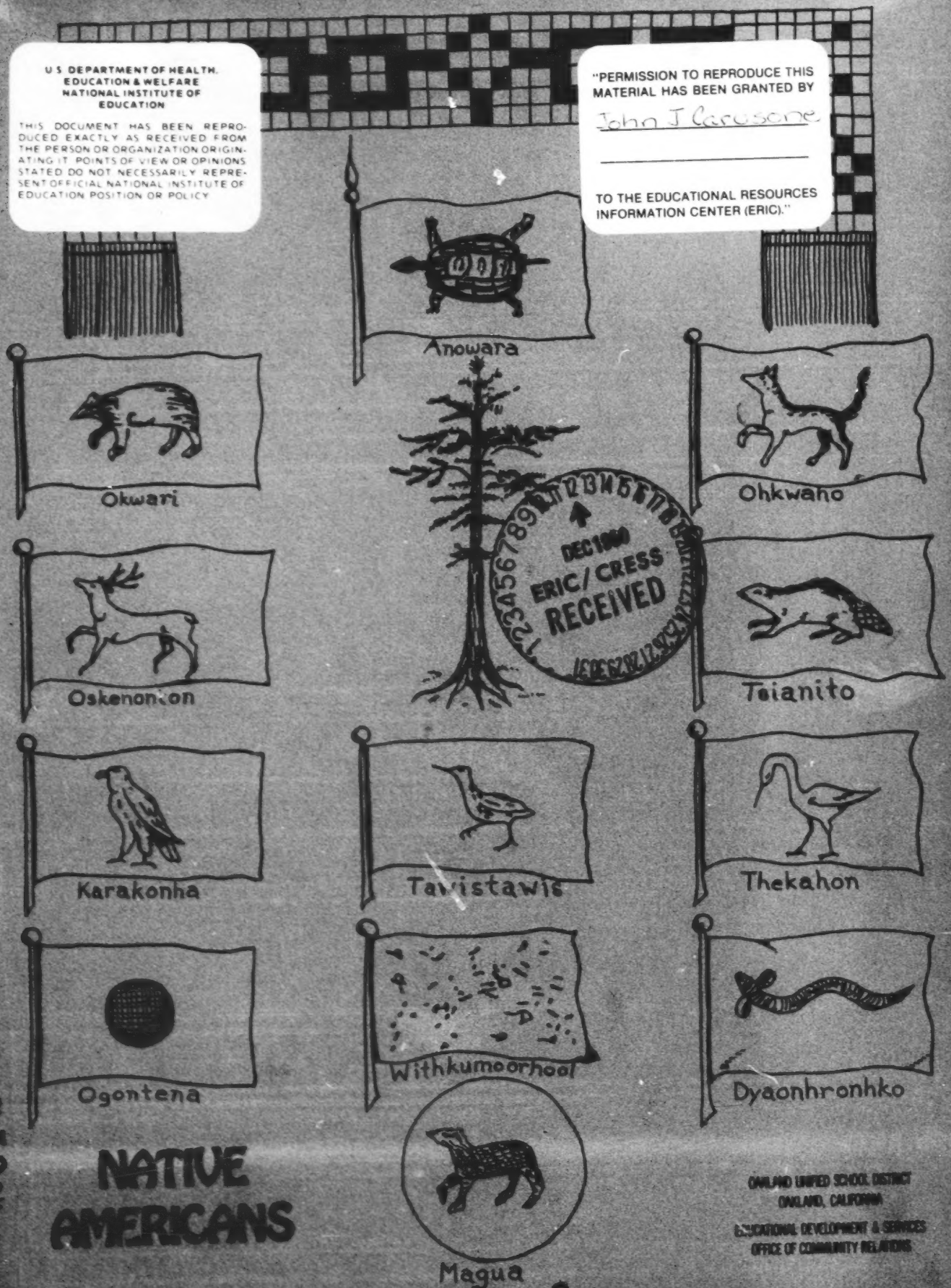

NATIVE AMERICANS

OAKLAND UNIFIED SCHOOL DISTRICT
OAKLAND, CALIFORNIA
EDUCATIONAL DEVELOPMENT & SERVICES
OFFICE OF COMMUNITY RELATIONS

TO: Elementary and Secondary Schools Staff

This booklet about the Iroquois League Constitution is designed as a major supplementary source to be shared with your students.

This booklet provides you with information on the Iroquois League Constitution and its contribution to the formation of the U.S. Constitution not normally included in textbooks. Since Oakland provides us with such a rich composition of cultures and histories, it is appropriate to take this opportunity to learn about one of the most important Native American contributions to the history of the United States.

It is my hope that you will supplement your teaching activities by using this booklet developed by the Office of Community Relations. A broader understanding of the Iroquois League and its Constitution and system of law can serve to bring into broader perspective your study and presentation of the colonial history and constitutional development of the United States.

Sincerely,

Marcus A. Foster

MARCUS A. FOSTER
Superintendent

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WRITTEN BY:

Katie Beals

John J. Carusone

1972

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Mr. Don Anderson
Actg. Associate Superintendent
Educational Development
and Services

Mr. John J. Carusone
Coordinator
Community Relations

FRONT COVER

The main symbol of the Iroquois League, the Tree of Great Peace, is surrounded by the symbols of the Iroquois League Clans. The Tree of Great Peace symbolized the laws of the Five Nations. The design on the top of the cover comes from an Iroquoian design motif.

PREFACE

It is important to understand the contributions of the minority groups to the dominant culture of the United States. Such an understanding serves to put into broader perspective the importance of the historical and cultural contributions of the minority groups.

This booklet presents the major political and governmental philosophies of the Iroquois League as practiced by the original League, and as practiced still by the Mohawk and Seneca Nations today. Many of the ideas about the power of government, the rights of the people and the implementing of the laws as practiced by the Iroquois League were incorporated into the Constitution of the United States by the Founding Fathers. This booklet was written specifically to present these major ideas as some of the most important contributions of the Native American tribes to the thinking of the Founding Fathers of the United States Constitution.

Since present day textbooks do not usually cover the contributions of the Native Americans, this booklet should be used as an important source of supplementary material when teaching the social science courses in Oakland Public Schools. Teachers and students will get a better understanding of one of the important Native American groups which gave so much to the development of the United States government.

This booklet is the first of three about Native Americans. The second booklet is about the Sioux Nation and its contacts with the United States during their "manifest destiny" period of history. The third booklet is on a present day Native American tribe of California.

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CHAPTER I

THE CONSTITUTION OF THE IROQUOIS LEAGUE

INTRODUCTION

Before the advent of the European explorer, the northeastern part of present day United States and Canada was occupied by the Iroquoian and Algonquin speaking Native Americans. The former language group included the Five Nations of the Iroquois League, the Mohawk, Seneca, Onondaga, Cayuga and Oneida Nations. Also included in this group were the Wyanot, Tuscarora and Cherokee Nations.

The lands of the Iroquoian speaking Native American Nations extended from the Lake Erie region northeast along the St. Lawrence River to the Gulf of the St. Lawrence. The Tuscarora lands were in western Virginia. The Cherokee lands were in North and South Carolina.

The Algonquin speaking Native Americans included the Central Algonquin west of the Iroquois territories and the Eastern Algonquins. Members of the Central Algonquins included the following tribes:

Ojibway
Ottawa
Menomini
Sauk and Fox
Potawatomi
Peoria
Illinois
Kickapoo
Miami
Piankashaw
Shanee
Winnebago

The Eastern Algonquin tribes were the Abnaki, the Micmac and the Delawares, as well as those from the New England area.

When the European explorers came to the northeastern part of the North American continent, they came into contact with these various tribes. Many of these explorers had come to this country to trap for fur-bearing animals needed by their own countries. Many came and found bountiful fishing areas which they exploited. Many came to claim the newly "discovered" lands for their own European governments. Many came looking for riches from the land.

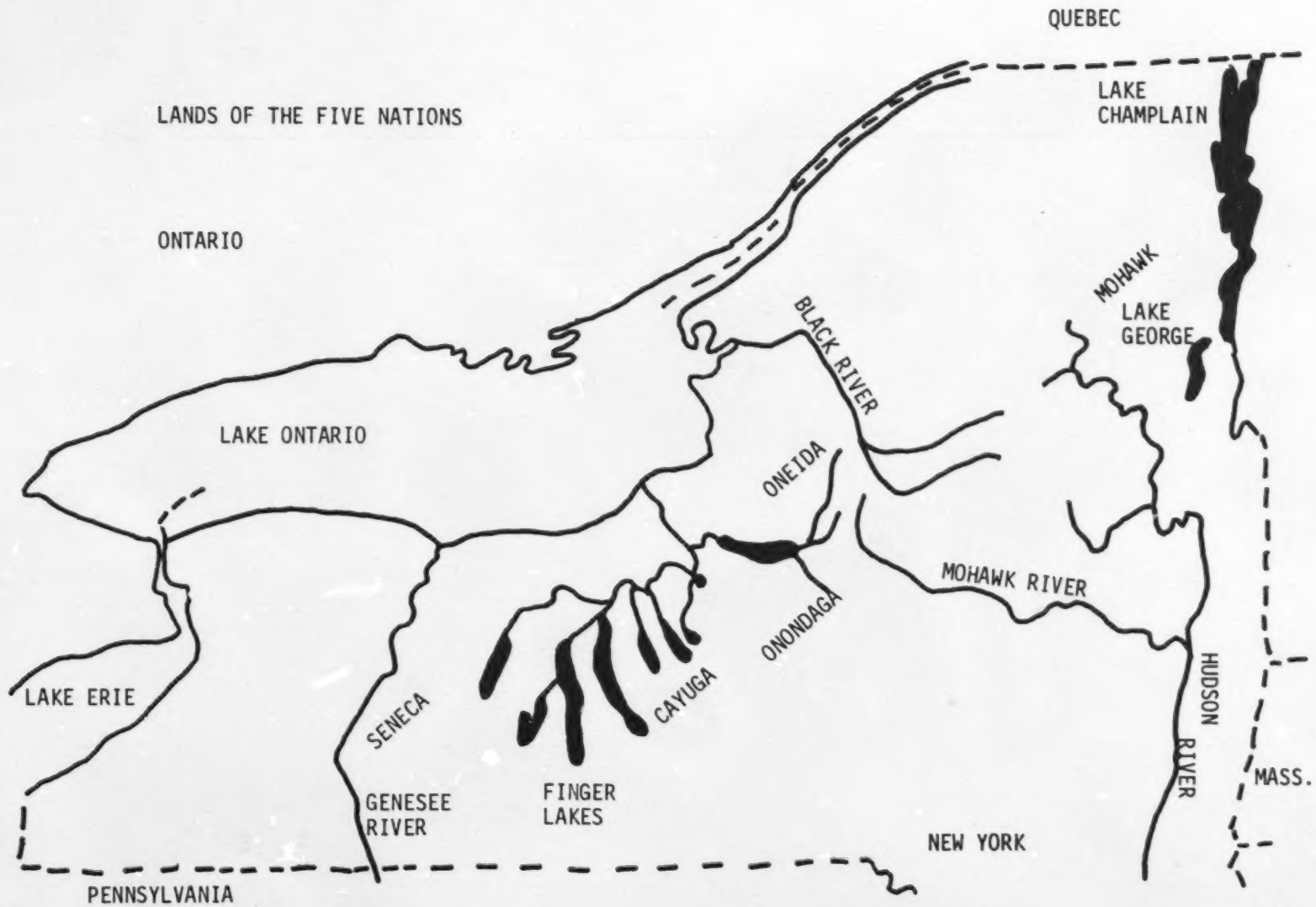
For whatever reason the European explorers came, they soon began to settle in the lands of the Iroquoian speaking and Algonquin speaking Native Americans. These Native Americans began to trade furs with the explorers. They also taught the settlers how to farm maize, squashes and beans.

The League of the Five Nations had developed a form of government suitable for their needs before the European explorers came to their lands. This booklet will study that government and its contributions to the formation of the United States Constitution.

Symbols of the League of Five Nations

Deganawidah gave the following as symbols for the government of the League. The Tree of Great Peace, the Great White Pine was the symbol for the laws of the Nations. It was planted by Deganawidah in the territory of the Onondaga Nation.

The seats for the Council Chiefs were symbolically placed under the shade of the Tree of Great Peace, under which the Council members were


QUEBEC
LANDS OF THE FIVE NATIONS
LAKE CHAMPLAIN
ONTARIO
MOHAWK
LAKE GEORGE
BLACK RIVER
LAKE ONTARIO
ONEIDA
MOHAWK RIVER
ONONDAGA
LAKE ERIE
SENECA
CAYUGA
HUDSON RIVER
MASS.
GENESEE RIVER
FINGER LAKES
NEW YORK
PENNSYLVANIA

to sit when deliberating matters for the League. The seats were made from the down of the Globe Thistle.

The Great White Roots were thought to have spread to the north, south, east and west. They represented Peace and Strength. Any alien individual or foreign nation having followed the Roots to the Tree of Great Peace could become a member of the League.

An eagle overlooking the Tree of Great Peace could see quite far and therefore acted as a lookout for any danger approaching the League. It was to warn the people once it saw any danger.

The Political System of the League

The women were the center of the political system developed by the League. Since the lineal descent of the Nations ran in the female line, the women were considered the progenitors of the Nations. Women owned land. Men and women were to follow the status of their mothers.

Certain women of the Five Nations held the hereditary chieftainship titles in their families. These were the Otiianer women. The officials for each Nation and the Council Chiefs of the League came from the families of the Otiianer women.

Each Nation had fifteen official Clans. All of the families were members of the following Clans:

Great Name Bearer
Ancient Name Bearer
Great Bear
Ancient Bear
Turtle
Painted Turtle
Standing Rock

Large Plover
Little Plover (or Snipe)
Deer Pidgeon
Hawk
Eel
Ball
"Opposite Side of the Hand"
Wild Potatoes

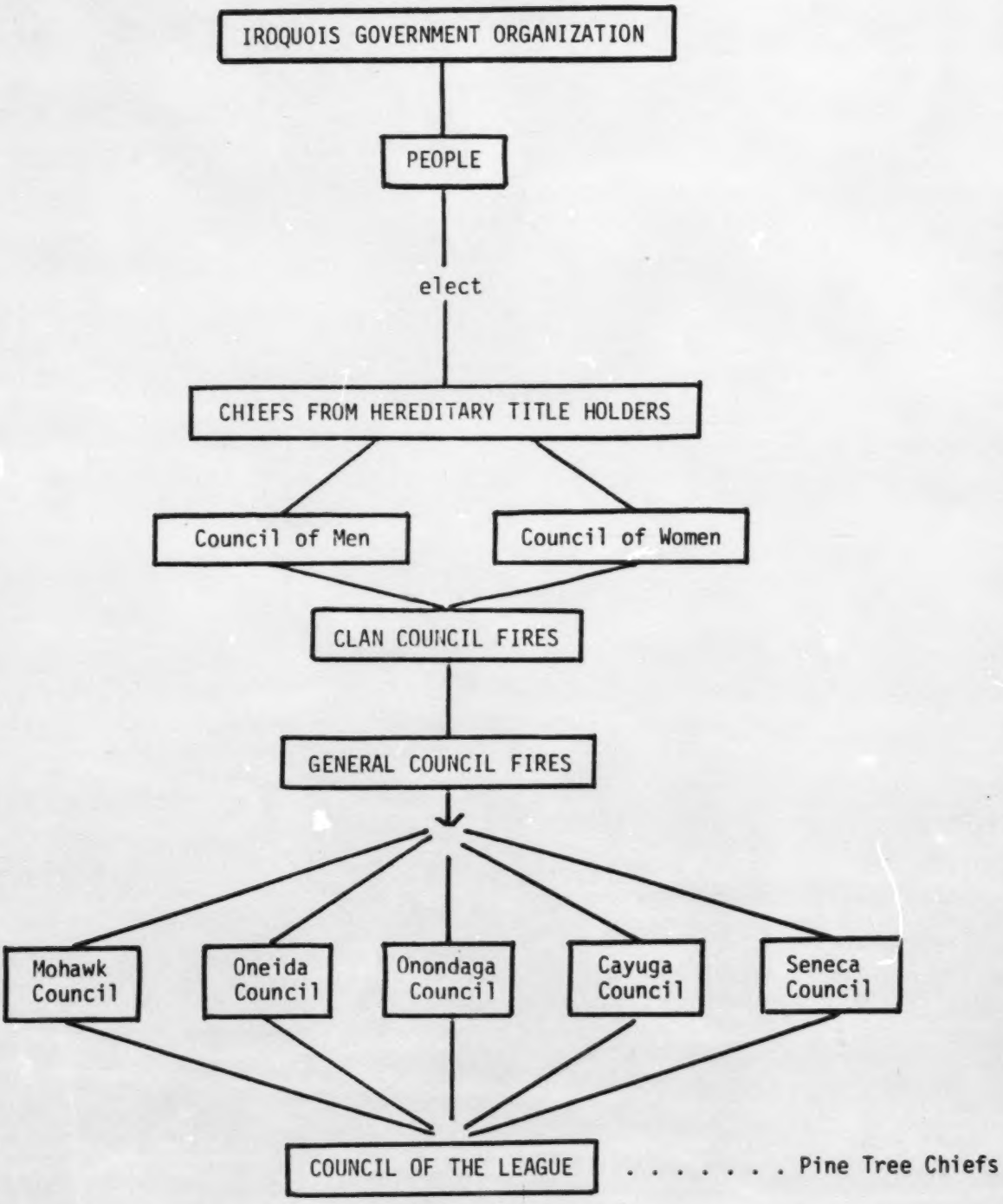
Ownership of the land was derived through the women of these Clans. The Otiianer women of these Clans held the hereditary chieftainship titles from which were chosen the officials for the League.

The family was the center of the political organization of the League. Each family belonged to a larger related group which, together with other sub-clans, belonged to one of the fifteen Clans. The fifteen Clans belonged to one of the Five Nations of the League.

Council of the League

The main governmental body of the people was the Council of the League. Its members came from the Mohawk Council of nine statesmen, the Oneida Council of nine statesmen, the Onondaga Council with fourteen statesmen, the Cayuga Council with ten statesmen and the Seneca Council of eight statesmen. Each Council of the Five Nations had one vote, so it did not matter how many constituted each Council. One was just as powerful as the other.

The Council of the League was divided into two sections. The Older Brothers were the Mohawk, Onondaga and Seneca Councils. The Younger Brothers were the Cayuga and Oneida Councils.


IROQUOIS GOVERNMENT ORGANIZATION
PEOPLE
elect
CHIEFS FROM HEREDITARY TITLE HOLDERS
Council of Men
Council of Women
CLAN COUNCIL FIRES
GENERAL COUNCIL FIRES
Mohawk Council
Oneida Council
Onondaga Council
Cayuga Council
Seneca Council
COUNCIL OF THE LEAGUE
. . . . . Pine Tree Chiefs

The Council members were chosen from the families of the Otiianer women of each Nation. Their positions in the Council were then hereditary.

The Council of the League chose from the Nations additional people to help advise them on matters important to the League. These additional people were the Pine Tree Chiefs. In addition to their roles as advisors to the Council, the Pine Tree Chiefs also presented matters to the Council directly from their people. However, the position of a Pine Tree Chief was not a hereditary one.

The War Chiefs of the Five Nations were also chosen from the families of the Otiianer women of each Nation. Each Nation chose one War Chief. Their duties were to carry messages for their respective Council Chiefs, to take up arms in any emergency, and to present cases, questions, or propositions to the Council from their people.

The Clan Chiefs of each Nation were the leaders of the fifteen Clans. Since they were chosen from the families of the Otiianer women, their positions were also hereditary.

The chiefs of the sub-clans were the leaders within the fifteen Clans. Their positions were also hereditary ones.

Qualifications for the League Officials

The Constitution of the League had specific qualifications for the officers of the League. Except for the Pine Tree Chiefs, all other officers had to come from the families of the Otiianer women holding the hereditary titles of their Nations. The officers had to be of good character, managers of their own affairs, and supporters of their own families, if any. They also had to be proven as faithful men to their Nations. Wise, honest and

trustworthy of the confidence of the people were other characteristics desired in the officers of the League. The officers also had to have special abilities and show special interest to help govern the affairs of the League.

Provisions to Replace Hereditary Titles

Since the important officials of the League held hereditary positions, the Constitution had provisions to replace them when necessary. If an officer showed neglect of or refusal to attend Council meetings, then the women sponsors could demand his attendance not more than once. If the demand went unheeded, the Otiianer women were free to choose another candidate.

The lack of attention to the welfare of the people or disobedience of the rules of the Great Peace presented the men or the women a chance to scold the erring official before a Council meeting. After three warnings were given and they were unheeded, the matter then went to the Council of the War Chiefs. This Council would then take the title away from the Chief by request of the women sponsors, and also would notify the Council of its action. After the Council sanctioned the discharge of the chief, the women sponsors would then select another candidate.

If a chief of the League committed murder, the other chiefs met, if at possible, at the scene of the crime to depose him. If this were not possible, then the chiefs were to discuss the matter at the next Council meeting of their Nation. After the Council requested its War Chief to depose the errant chief, his family would become ineligible to hold the hereditary chieftainship title. Thereupon, the Council of the Nation could

transfer the title to a sister family.

Six physical defects were listed to make a chief ineligible to serve. Infancy, idiocy, blindness, deafness, dumbness or impotency could disqualify a person to serve as a chief. A deputy was appointed by the women sponsors to act for the chief with any of these conditions.

If a chief wanted to resign from his hereditary title, he had to notify the people of his Nation. If the co-statesmen of his Nation refused his resignation, he could not reign. Upon the acceptance of his resignation by the other chiefs, he could name a successor to the women sponsors, who could then consider that person as well as other candidates.

If a chief died while the Council was in session, the Council had to adjourn for ten days. The women sponsors appointed a successor, who had to be accepted by the Older and Younger Brothers before he could be seated. If a chief's death incurred no successor in the sponsoring family, the Council gave temporary title to a sister family.

Upon the death of a chief at other times, the women sponsors held a council to select another candidate. The candidate chosen by the women was then referred to the men relatives of the family holding the hereditary title. A unanimous approval of the candidate had to be reached by the men before they referred the candidate to the sister clans. If the sister clans approved of the candidate, that person was next referred to the chiefs of the Nation. Upon the ratification of the candidate by the chiefs of the Nation, the candidate was presented to the cousin chiefs of other Nations, and finally installed as a new chief if the other Nations accepted his nomination.

If the men and women relatives were not unanimous on a candidate, the chiefs of the Clans would then select another. The above process would then be followed to choose a new chief.

Provisions for the Consideration of a Law

The Constitution of the League had specific provisions for the Council to consider a law. If the Council was not in session, a messenger from a Nation brought the matter to the Onondaga Council. The Onondaga Council would then decide if the matter was important enough to be presented to the full Council. If so, the Onondaga Council would then send messengers to call a full Council meeting on the matter.

A Council meeting was always opened and closed by the Onondaga statesmen. The Onondaga Council would present the matter to the Mohawk and Seneca Councils first. If these two Councils were unanimous in their decisions, the Mohawk Council would then give the matter in question to the Cayuga and Oneida Councils. Once a unanimous decision was gotten from these two Councils, the Onondaga Council could either confirm or veto the decision. A veto required the matter to be sent back to the other Councils for their reconsideration. After the reconsideration of the matter by the Mohawk, Seneca, Cayuga and Oneida Councils presented the same decisions, the Onondaga Council had to agree on the matter.

A change or an addition to a law had to be carefully considered by the whole Council in the above manner. A proposed change or addition to a law had to be unanimously approved by the full Council before being adapted.

Rules for the Council

The rules governing the Council included one which prohibited the Council to meet after darkness set in. Another rule stated that individuals, War Chiefs, or Onondaga statesmen could present cases to the Council for consideration.

No statesman could ask a question to the Council while it was deliberating a measure. In addition to this rule, aliens or foreign nations interested in a case had no voice in the Council unless the Council Speaker posed a question for them to answer.

A Speaker for the day was always to be chosen from the Mohawk or Onondaga Councils. A Speaker's term lasted only one day, but a Speaker from a previous day could be elected by the Council from day to day.

The Rights of the People

The Constitution also enumerated the rights of the people. Among these rights was the necessity of the Council Chiefs to consult their people in extreme emergency cases. The Chiefs were then obliged to follow the decision of their people.

The Council of Men of each Clan was virtually placed around the Clan Council Fire. This Council would then be ready at all times to discuss Clan business.

The Council of Women was also placed around the Clan Council Fire. The main function of this Council was to prepare matters to be presented to the Council of the League. The Council of Women would then give the measure to its War Chief, who in turn would present the matter to the League Council.

The General Council Fire brought together the Council of each Nation with the Councils of Men and Women from each of the fifteen Clans. Delegates from the General Council Fire were impowered to present matters to the Council of a Nation or to the Council of the League.

The rights of each Nation included the right to run its own internal affairs in accordance with the laws and rules of the Great Peace. The Chiefs of each Nation ran the affairs for their Nations.

Individual rights of the people included the right to present the irregular actions of their officials. People could point out the irregularities in the performances of the functions of the Great Peace and its laws. Individuals could also point out irregularities in choosing the officials for the people. Also, individuals could demand the correction of the above irregularities through the War Chiefs of their Nations. They could demand the offenders to conform to the laws of the Great Peace.

Provisions Concerning Foreign Nations

The Constitution of the League of Five Nations had specific provisions for its foreign affairs policies. The following was the procedure to admit a foreign nation to the League. This procedure was later used to accept the Tuscarora tribe into the League.

Three councils were to be held with a foreign nation by the League members. Upon the failure of two of these councils, the War Chief of the League was to address the foreign nation to enter the Great Peace at the third council. If the third council failed to persuade the foreign nation to enter the League, the War Chief was to club the leader of that nation to death. The War Chief was then empowered to declare war on the foreign nation reluctant to join the League.

The conditions placed upon foreign nations to enter the League were made possibly to keep the power of government in the hands of the Five Nations. Membership of foreign nations in the League was always temporary. If a newly admitted nation acted contrary to the laws of the Great Peace, that nation could be expelled from the League.

Furthermore, a new nation could not control, interfer with or injure in any way the Five Nations of the League. A new nation had to follow the laws of the Great Peace at all times.

A new nation also had to cease all warfare against other nations. The League wanted none of the new nation's old enemies or old quarrels with other nations. Therefore, a new nation had to persuade other nations to enter the League.

Finally, a new nation could run its own internal affairs after entering the League. It could maintain its own political, economic, religious and social affairs as long as the nation adhered to the laws of the Great Peace.

The Constitution also had provisions for the immigration of aliens into the League. If an individual wanted to become a member of the League, he went to one of the Five Nations, which had to extend hospitality to and accept that person into the Nation. The new citizen, not belonging originally to the families of the Otiianer women, had no voice in the Council of the League. Nor could he become a member of the family of the Otiianer women.

Provisions for War

Provisions for war were also enumerated in the League Constitution. The Chiefs of the League Council had the following powers. They could

declare war on a foreign nation. They could call the five War Chiefs of the Nations to war against a nation refusing to accept the Great Peace.

The Officers during a war included the head commander of the army. This officer was one of the Chiefs of the League Council. He, however, remained a statesman first and commander of the army second. He could not fight at all during any of the battles.

A Field Commander was chosen by the soldiers of the League from the five War Chiefs of the Nations. His duties included leading the army in battle and taking away the weapons of war from the people of the Nations at the end of a war.

The Chiefs of the League Council were prohibited from active duty during a war. A Chief could abandon his position if he wanted to go to war. His title then was conferred to another candidate from the families of the Otiianer women until his return from the war.

Any nation conquered by the League was disarmed by the War Chief. It also had to cease all warfare against other nations. It had no voice in the councils of the League.

If a foreign nation was exterminated because of continued warfare by the League, all rights, property and territory of that nation became the property of the League. The extermination of a nation was justified by its refusal to accept the Great Peace.

Treason

A definition of treason and punishment for treason were also in the Constitution. If any nation, part of a nation, or more than one nation within the Five Nations endeavored to destroy the Great Peace by neglect

or violations of its laws, then it could be guilty of treason. If any nation, part of a nation, or more than one nation within the Five Nations resolved to dissolve the League, it could be tried for treason.

Punishment for treason included three warnings from the Council Chiefs before sentence could be given. If the warnings were unheeded, then the offenders were driven from the territory of the League by the War Chief and his men.

TOPICS FOR DISCUSSION

The Constitution of the Iroquois League

Tree of Great Peace

1. Discuss the significance of the Tree of Great Peace.

   What did the Great White Roots symbolize?

   What was the function of the eagle atop the Tree of Great Peace?

Political System

2. Discuss the political system of the League.

   What role was placed on the women of the League?

   Who held the hereditary chieftainship titles for the League?

   What were some of the names of the fifteen Clans?

   What were the rights of the fifteen Clans?

   What was the main governmental body for the League?

   How many members did the Council of the League have from each Nation?

   Who were the Older Brothers?

   Who were the Younger Brothers?

   Who were the Pine Tree Chiefs?

   What were their roles within the Council of the League?

   Who were the War Chiefs of the League?

   What were the duties of the War Chiefs?

   Who were the Clan Chiefs?

   What were their roles in the League?

Qualifications of Officials

3. Discuss the qualifications for the officials of the League.

   Why do you suppose these officials had to come from the families of the Otiianer women?

   Why do you suppose these titles were hereditary ones?

   What other qualifications can you list for officials you need to run your own class government?

Replacement of Officials

4. Discuss the provisions of the League Constitution to replace the officials.

   Why do you suppose these provisions were part of the Constitution?

Who could impeach an official?

Why could an official be impeached?

What were the processes to replace an official?

Laws

5. Discuss the provisions in the League Constitution to consider a law.

What roles did the Onondaga Council have while the League Council was not in session?

What process did a measure or a question have to go through in the Council before it could become a law?

Why do you suppose a measure could be passed only after it was approved unanimously by the Council?

Who had the veto power in the Council of the League?

When could a veto be overridden?

Why do you suppose that the Council could not be interrupted by questioners while it was in session?

Why was the Speaker for the Council elected only for a day?

Which Council members could be elected to become Speakers for the Council?

Rigths of the People

6. Discuss the rights of the people.

Why do you suppose the Council Chiefs had to consult their people in extreme emergency cases?

Who were the Council of Men?

Who were the Council of Women?

What was the General Council Fire?

What were the duties and powers of the above groups?

Individual Rights

7. Discuss the rights of the individuals.

In what two instances could individuals demand corrections of their officials?

Why were these individual rights given to the people?

Dealings with Foreign Nations

8. Discuss the provisions in the League Constitution to deal with foreign nations.

What was the procedure used by the League to accept a foreign nation as a new member?

What were the conditions put to a newly admitted nation?

Why do you suppose these conditions were made?

What provisions were made for the immigration of aliens into the League?

Why couldn t new citizens have a voice in the government of the League?

War Provisions

9. Discuss the war provisions in the League Constitution.

Who could declare war?

Why could war be declared?

Why do you suppose the Council Chiefs could not go to war?

Why do you suppose the War Chief of the League was elected by the soldiers to lead them in war?

Why do you suppose the Commander of the armies of the League was always one of the Council Chiefs?

Treason

10. Discuss treason as defined by the League Constitution.

Why do you suppose this definition of treason was necessary?

Who could sentence a person of treason?

What was the punishment for a person found guilty of treason?

CHAPTER II

SIMILARITIES BETWEEN THE IROQUOIS LEAGUE CONSTITUTION AND THE UNITED STATES CONSTITUTION

INTRODUCTION

The rest of this booklet will cover the similarities between the Iroquois League Constitution and that of the United States. The writers of the United States Constitution knew of the Iroquois Constitution before they began their work. Some of the ideas for the United States Constitution were gotten from the Iroquois Constitution, which had been in effect long before the European explorers and settlers came to the North American continent.

In 1787 at Philadelphia, Pennsylvania, a body of fifty-five delegates convened at the Constitutional Convention. Among them were Benjamin Franklin, George Washington, Alexander Hamilton, James Monroe and Governor Morris of Pennsylvania.

One of the main goals of this convention was to develop a strong central government to unite the states into one nation. Under the Articles of Confederation, ratified in 1777, the central government did not have the power to collect taxes, to regulate trade, to maintain an army, or to enforce treaties. The separate states retained these powers, which were handled differently by the states, making it impossible to unify the states into one union. The Constitutional Convention then wanted to form a strong central government having these and other powers over the states. At the same time, the convention recognized that the powers not given to the federal government had to be retained by the separate states. Therefore, the states to be unified into one nation could still run their own internal affairs.

The Constitutional Convention also saw the need to divide the federal government into separate sections, each having certain powers for the government. The Legislative, Executive and Judicial Branches of the federal government were developed by the Convention to meet this particular need.

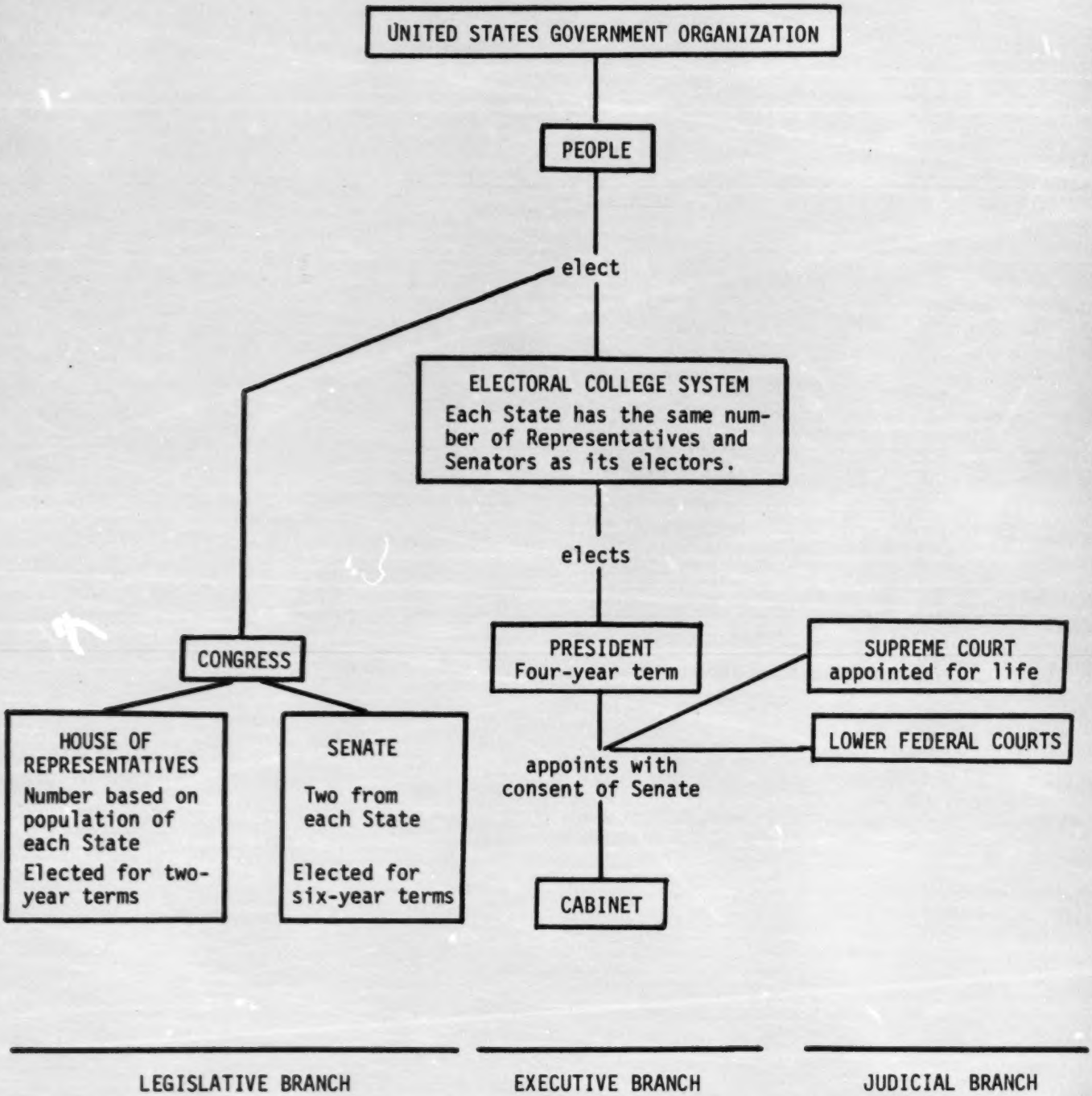
The government advocated by the Convention was one to be elected by the people of the States. This type of government, a republic, would ensure the voters the right to elect their own officials to the central government. The elected officials would then be responsive and responsible to the voters who put them into office.

These were the main goals of the Constitution Convention. How these goals were achieved and how these goals are similiar to the Constitution of the Iroquois League will be the subject of the rest of this booklet.

The Structure of the Federal Government

The Constitution divides the federal government into three branches, each having their own powers and qualifications of its elected members. Some of the powers of each of these branches are similar to the powers of the Iroquois government.

The law making branch for the government is the Legislative Branch consisting of the House of Representatives and the Senate of the United States. The members of the House of Representatives are elected every two years by the qualified voters of the fifty states. The number of representatives from the states depends on the population of each state. Any vacancies in the House are filled by elections from the states in which the vacancies occur.


UNITED STATES GOVERNMENT ORGANIZATION
PEOPLE
elect
ELECTORAL COLLEGE SYSTEM
Each State has the same number of Representatives and Senators as its electors.
elects
CONGRESS
PRESIDENT
Four-year term
SUPREME COURT
appointed for life
LOWER FEDERAL COURTS
HOUSE OF REPRESENTATIVES
Number based on population of each State
Elected for two-year terms
SENATE
Two from each State
Elected for six-year terms
appoints with consent of Senate
CABINET
LEGISLATIVE BRANCH
EXECUTIVE BRANCH
JUDICIAL BRANCH

The Senate of the United States consists of two Senators from each state. The Senators are elected every six years, with one elected on the second year of the other's term of office. Each Senator has one vote. Each Senator is now elected directly by the qualified voters of his state. When the Constitution was first written and ratified in 1787, the Senators were elected by the state legislatures. In 1913 the Seventeenth Amendment to the Constitution changed this provision.

The Executive Branch enforces the laws passed by the Legislative Branch. The President of the United States, the head of the federal government, is elected every four years by the people who choose the electors to elect the President.

The Electoral College system was developed by the Constitutional Convention as the method to elect the President and Vice-President of the United States. The people of the country vote for the electors who represent a particular candidate for President and his running mate. The candidate getting the most electoral college votes then becomes President.

The Vice-President is also elected every four years. His election follows the same method as that of the President. He is the President of the Senate, having one vote in order to break a tie vote.

The Judicial Branch of the federal government judges the constitutionality of the laws passed by the Legislative Branch. The Supreme Court, established to judge the laws, is not elected by the people. Instead, the President appoints the members to the Supreme Court for life, and the Senate approves or disapproves these appointees.

In the Iroquois League, the law making body rested on the Council of the League. This body was also the Judiciary Branch, having the power to

enforce the laws of the land. These law makers held office for life, their positions being hereditary ones, unless they became disqualified under the provisions of the Constitution to remove them.

Qualifications of Federal Officers

The Constitution states that no person under the age of twenty-five can run for the House of Representatives. That person also has had to be a resident of his home state before he can be elected from that state.

No person under the age of thirty can run for the Senate of the United States. That person also has to be a citizen of the United States for seven years before he can run. He also has to be a resident of the state which elects him.

The President of the United States has to be at least thirty-five years old. He has to be a natural born citizen of the United States. He also has to be a resident within the United States for at least fourteen years before he can run for the Presidency.

The Vice-President cannot be a resident from the home state of the President. The Vice-President also has to be constitutionally eligible to become President since he succeeds the President upon his death while in office, or upon other circumstances which disqualify the President to continue serving.

The only qualification listed in the Constitution for the members of the Judicial Branch is that they can hold their offices "during good behaviour." It is stated in the Constitution that they are appointed by the President and approved by the Senate before they can become judges for the Judiciary.

The officers for the United States government are elected by the qualified voters of the nation. The officers of the League were also elected by the qualified voters, but they had to come from the families of the Otiianer women holding the hereditary chieftainship titles for their Nations. Only those from these families could run for office.

The Powers of Congress

Only those powers of the United States government which are similar to those powers of the Iroquois government will be listed here. These powers are also the ones which were needed in order to make a strong central government to unite the states into one nation.

Congress can pass laws to provide for the common defense and general welfare of the United States. This was included in the Constitution so that future Congresses could make laws to meet the needs of the people.

Congress also has the power to regulate commerce with foreign nations, among the states and with the "Indian" tribes. When the Constitution was written in (1787), the states had their own different regulatory powers over commerce, which impeded the regular flow of commerce with foreign nations, among the states themselves, and with the Native American nations still recognized by the United States as autonomous within the territory of the United States.

The Iroquois League also had this particular power by guaranteeing the right of passage from one territory to another by the members of the League.

Congress also has the right to make uniform rules of naturalization of foreign citizens wanting to immigrate into the United States. The Iroquois League had such a procedure to accept aliens into their League. However,

any one becoming a naturalized citizen of the United States has the same rights as natural born citizens, except to run for President. This was not so in the Iroquois League. Since new citizens were not members of the families of the Otiianer women, they had no voice in the government of the League.

Congress has the sole power to coin money, to regulate the value of that money and of foreign currency, and to fix the standard of weights and measures for the nation. Money in this sense was not developed by the Iroquois League. The barter system was used instead, which allowed the people to exchange their goods with others they needed and could not make or grow. The string of shells were made by the Council Chiefs to use as pledges of contracts, promises or treaties. The name wampum was later used to define these string shells. Mistakenly, wampum later came to be believed by the explorers and settlers as the money of the League.

Congress has the power to define and punish piracies and felonies committed on the high seas and also offenses against the laws of Nations. There is no parallel power of this nature in the Iroquois Constitution since the national boundries of the League did not extend to the ocean. But the League had the power to punish felons convicted of the crimes committed within their territory.

Congress alone can declare war and make rules concerning captures on land and water. The Council of the League was the only body which could declare war. It impowered its War Chief to declare war against a nation refusing to enter the Great Peace and the War Chief could make war only after the Council approved this action. The Council also could take the territory of a captured or conquered nation for the League. No individual Nation could do this. The same provision is true for the federal government.

Only Congress has the power to raise and support armies. The appropriations for the armies are to be approved for only a two year span at a time.

There is no such provision in the Iroquois Constitution for the Council. Each Nation had its own armies, but they could be called together to fight a common enemy by the War Chief of the League.

Rules to govern and regulate the land and naval forces are made exclusively by Congress. The War Chief of the League was impowered to guide his army during battle. It can be taken for granted that this included rules to govern and regulate the army based on past experiences of other War Chiefs and armies. The War Chief had the power to disarm the army once the emergency calling the army into action was over.

Before the Revolutionary War, the colonies each had a militia, the volunteer army of that day. After the Revolutionary War began, the militia of each colony volunteered their services to the Commander of the Revolutionary Forces. Many times that commander had difficult times controlling the volunteers because their roles had not been well defined at that time. When the United States Constitution was written, the role of the militia was further defined, and that definition now stands for the National Guard units. The Guard can be called by Congress to execute the laws of the Union, to suppress insurrections and to repel invasions. Congress has the further power to organize, arm, discipline and govern the militia while it is employed by the United States.

The War Chief and his men also had the same powers. When a person was found guilty of treason, he was expelled from the Iroquois territory by the War Chief because he had not obeyed the law of the League. The War Chief and his men were also called on to repel any invasions.

In the Iroquois League, the Chiefs of the Council could not take part in wars while they held their positions. They had to step down from their positions if any of them wanted to go to war.

One of the Chiefs was chosen to act as the Commander of the League armies. He, however, could not fight in the wars and remained primarily a statesman.

Several of these provisions are also in the United States Constitution. The President is made the Commander-in-Chief of the Army, the Navy and of the Militia from the states when the Militia is in the services of the United States. The President is then the civilian head of the military, which gets its direction from the President at all times. The President remains the statesman and, at the same time, the Commander-in-Chief of the military.

The President also has the power to make treaties with the advise and consent of two-thirds of the Senate. In the Iroquois League, the Council could make treaties, but a unanimous vote from the fifty chiefs had to be gotten before a treaty could be adopted.

The "necessary and proper" clause of Article One of the Constitution impowers Congress to make laws not specifically granted in the document. The Iroquois Constitution gave that kind of power also to the Council of the League.

Congress has the sole power to declare the punishment of a person found guilty of treason. Treason is also defined in the two constitutions. In the United States Constitution, the definition of treason committed against the United States is that which "consists only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort."

The Council of the League had the power to take the property of a nation exterminated by war. Congress can dispose of and make the necessary rules and regulations for the territory and other property owned by the United States.

Congress has the responsibility to guarantee each state a republican form of government, which is elected by the qualified voters to run their affairs. It also is authorized to protect each state from invasion, and to provide against domestic violence once such is requested from each state.

The Iroquois League was founded to bring peace among the Five Nations. The League Constitution assured each Nation their right to run their own internal affairs, and to protect them from invasion.

Provisions for Consideration of a Law

After a bill has been passed by the House and Senate, it is sent to the President, who signs it into law if he approves of the bill, or vetoes it. If the President vetoes a bill, he returns it to the House originating the bill with his objections.

The bill, once returned by the President, has to be reconsidered with the objections to the bill entered into the House or Senate Journal, depending on which body originated the bill. A two-thirds vote is needed to pass the bill in the House of Representatives before it can be sent to the Senate for its reconsideration. A two-thirds vote is again needed in the Senate before the bill can become a law.

A bill can become a law without the President's signature. If the President holds a bill without signing it ten days after receiving it from Congress, the bill automatically becomes a law.

The Iroquois League Constitution required a unanimous vote on a measure before it could become a law. The Onondaga Council could veto a measure, but it had to concur after the reconsideration vote of the other Councils was the same as the previous decision.

How the United States Constituion may be Changed

A two-thirds vote of Congress is necessary before a change can be proposed. Two-thirds of the state legislatures are needed before Congress can call a Constitutional Convention to work on a proposed change. The change needs three-fourths of the states to ratify it before it can become a new law.

Congress cannot impose the change of the Constitution without providing each state a chance to consent to or reject a change. Either the people of the states vote to change the Constitution, or the state legislatures do this for the people.

The Iroquois Constitution could also be changed, with the Council of the Five Nations as the main body to consider the change. A unanimous decision had to be made before the change could be made. The Nations also had the power to accept or reject the change before it was made and put into effect.

Amendments of the United States Constitution Similar to Iroquois League Constitution

The guarantee for freedom of religion, speech, the press, assembly and petition was added to the Constitution in 1791. The Iroquois Constitution

had the guarantee of freedom in these areas when it was first developed. Also, other nations joining the League could adhere to their own religion. The people of the League could assemble through the Clan Council Fires. The men and women could petition to develop or change a law, or to remove an officer.

Also in 1791, the right to a public trial was added to the United States Constitution. This included a trial to be held where the crime was committed. The nature and cause of the accusation had to be stated to the accused.

When a Chief of the League committed murder, his Nation had to meet at the scene of the crime if at all possible. If not, the case went to the next Council meeting of the Nation. These provisions were in the original League Constitution.

In the United States, the powers not given to the federal government by the Constitution are reserved to the states or their people. As long as these powers are not prohibited by the Constitution, the states or the people can exercise them. This type of situation was also true for the Iroquois League. As long as the Nations and their people adhered to the Great Peace, they could exercise powers not specifically reserved to the Council of the League.

In 1868 the protection of citizenship and the civil rights of all persons born or naturalized into the United States became the Fourteenth Amendment. The states could not make or enforce any laws which would interfer with the privileges or immunities of citizens of the United States. Nor could the states deprive any citizen of life, liberty or property without the due process of law. Each state had to guarantee the equal protection of the law to all of its citizens.

In the Iroquois League, a naturalized citizen had no power in any of the councils of the Five Nations. Since the new citizen did not belong to the families of the Otiianer women, he could not become an official of a Nation.

In the United States today, once a naturalized citizen receives his citizenship and civil rights, they cannot be taken away by any government without due process of law. A naturalized citizen's only restriction is that he cannot run for the office of the President of the United States.

The women of the Iroquois League had the right to vote and to impeach any of the officers. They also were the advisors to their officers on local and national affairs. These rights were included in the Iroquois Constitution.

It was not until 1920 that the women of the United States were given the right to vote. The differences in the Iroquois and United States societies upon the place of women may have had something to do with the types of rights they had. Women in the League were considered the progenitors of their families. Also, there are no hereditary positions for the elected officials in the United States. Men as a group have been the political and economic leaders, with such powers available only to them for a society that has not recognized its women as capable of getting into these fields until recently.

After the death of President John F. Kennedy in 1963, Congress saw the need to change the Constitution in its provision to replace the President. Therefore, the Twenty-fifth Amendment was put into the Constitution in 1965 to cover the following eventualities.

If a President-elect dies before he is installed as the new President, the Vice-President-elect becomes President. If a President-elect fails to qualify to become President, then the Vice-President-elect becomes the Acting President until the President-elect can qualify for that office.

After a person becomes President of the United States, the removal, death, or resignation of the President allows the Vice-President to become the new President. Upon the death of President Kennedy in 1963, Vice-President Lyndon B. Johnson became the President automatically under the old provision in the original Constitution.

The Twenty-fifth Amendment made other provisions to fill vacancies in the Executive Branch. If the office of Vice-President becomes vacant, the President can nominate another, who has to be approved by a majority vote from Congress before he can become the new Vice-President.

The President of the Senate and the Speaker of the House of Representatives have to receive a letter from the President stating that he is not able to discharge his duties before the President can step down from his office. In this case, the Vice-President becomes the Acting President until the duly elected President sends to Congress a letter stating that he is again able to discharge his duties.

The Vice-President and the majority of the principal officers of the Executive Branch departments can write to the President of the Senate and to the Speaker of the House of Representatives, requesting the removal of the President if they deem him unable to discharge his duties. The Vice-President then becomes the Acting President.

The President has the power to regain his position when it is transferred to the Vice-President in the above manner. The President has to

write to the President of the Senate and to the Speaker of the House that no inability exists before he can regain the Presidency.

However, the Vice-President and the majority of the principal officers of the Executive Branch can present their letter to Congress within two days that the President is still unable to discharge his duties. If the Congress agrees to this request by a two-thirds vote, the Vice-President remains the Acting President. If Congress disagrees with the request by a two-thirds vote, the President can assume his position.

In the Iroquois League, the removal of an official had to be a unanimous decision. The removal required another election to replace the official in question as long as the new official came from the family of the Otiianer women.

TOPICS FOR DISCUSSION

Similarities Between the U.S. and Iroquois League Constitutions

1. Discuss some of the goals of the Constitutional Convention of 1787.

   Why did the writers of the Constitution want a strong central government?

   What were some of the powers the central government needed in order to unify the states into one nation?

   Why do you suppose the central government was divided into three branches?

   Why do you suppose the new form of government developed for the Constitution had to be a republic?

2. Discuss the structure of the Federal Government.

   What is the main function of the Legislative Branch?

   When and how are the members of both Houses of Congress elected?

   What is the main function of the Executive Branch?

   What is the Electoral College system?

   When and how are the President and Vice-President elected?

   What is the main function of the Judicial Branch?

   Why do you suppose the functions of the three branches were separated?

   What are the similarities in the above functions between the U.S. and Iroquois League governments?

3. Define the qualifications of the federal officers.

   What are the qualifications for the House of Representatives?

   What are the qualifications for the Senate?

   What are the qualifications for the Presidency?

   What are the qualifications for the Vice-Presidency?

   What are the ones for the Judiciary?

   Why do you suppose these were listed for each of these positions?

   What other qualifications would you like included for these officials?

   What are the differences and similarities between these qualifications with those listed in the League Constitution?

4. Discuss those powers of Congress which are similar to the powers of the League Council.

   Why is the "common defense and general welfare" clause important?

Why did Congress reserve the power to regulate commerce to itself?

What is the main difference in the two constitutions for dealing with naturalized citizens?

Why do you suppose the two countries had different conditions for naturalized citizens?

Why did Congress reserve the right to coin money for the nation?

Who can declare war in the United States government?

Who could declare war in the League?

Why do you suppose that only Congress can raise and support an army?

What is a recent example of Congress calling the Militia into action?

Why was such Congressional action necessary?

What are the similar roles of the President and the League Council Chief over the military?

Who can make treaties for the United States?

Which Legislative body has to advise and consent to such treaties?

Who in the Iroquois League could make treaties?

Why is the "necessary and proper" clause of the United States Constitution important?

In the United States government, who has the sole power to declare the punishment for treason?

What is the definition of treason in the United States Constitution?

Why do you suppose such a definition was included in the Constitution?

What is the definition of treason in the League Constitution?

What was the punishment for treason in the League Constitution?

What is a republican form of government?

Why do you suppose such a form of government is guaranteed to each state?

5. Discuss the provisions to consider a law.

What are the powers of the President after a bill has been approved by Congress?

What is a veto?

Why is the veto power of the President important?

What recourse is available to Congress after the President vetoes a bill?

Which Nation had the veto power in the Iroquois League Council?

How could a veto be overridden in the Iroquois League Council?

How can a bill become a law without the President's signature?

Why do you suppose this provision was included in the Constitution?

6. Disucss the two methods mentioned in the U.S. Constitution to change that document.

   Who in the federal government can make proposed changes in the Constitution?

   Who in the states can ask Congress for a Constitutional Convention?

   Who in the Iroquois League could propose a change in their Constitution?

   Why is it important for both Constitutions to make provisions to change the documents?

7. Discuss the Amendments to the U.S. Constitution similar to the Iroquois League Constitution.

   Why is the guarantee of the freedom of religion important?

   What does "public trial" mean to you?

   What are some of the powers reserved to the states or to the people?

   Why do you suppose the protection of citizenship was put into the U.S. Constitution?

   What is due process of law?

   What roles were given to the women of the League?

   What are the provisions of the Twenty-fifth Amendment to replace the President upon his death or inability to discharge his duties?

   Why do you suppose these provisions were put into the Constitution?

   How were League officials replaced?

APPENDIX I

SHORT BIOGRAPHIES OF GREAT IROQUOIANS

THAYENDANEGEA

Popularly known as Joseph Brant, Thayendanegea took an active part against the white settlers in the border wars during the Revolution. He was a Pine Tree chief from the Mohawk Nation. His father was a full-blood who, after his father's death married another Indian known among the whites as Brant.

Thayendanegea started his career as a warrior when he was 13. He joined the Indians under Sir William Johnson (whom his sister, Molly, later married) at the battle of Lake George in 1755. Sir William later sent him to a school at Lebanon, Connecticut, where he learned to speak and write English and acquired some knowledge of literature and history. He took part in the Pontiac War of 1763, fighting on the English side, and having visited England in 1775, he returned prepared to devote his energies to the British cause. As a result he was given a colonel's commission by Governor Carleton. After the treaty of peace between Great Britian and the United States in 1783, he retained his commission in the British service and was granted a tract of land six miles wide on each side of the Grand River in Ontario. He settled there with his Mohawk and other Iroquois followers where he continued to rule until his death on November 24, 1807.

Thayendanegea was married three times leaving nine children, one of whom became chief of the Mohawk Tribe. He was buried near the church he had built on Grand River, however, in 1879 the grave was desecrated and the bones, including the skull have been restored to their former resting

place. The monument placed over his grave reads, "This tomb is erected to the memory of Thayendanegea or Captain Joseph Brant, principal chief and warrior of the Six Nation Indians, by his fellow subjects, admirers of his fidelity and attachment to the British Crown."

DEGANAWIDAH

Deganawidah was a prophet, statesman and lawgiver, who with Hiawatha planned and founded the confederation of the five Iroquois tribes. He was born near Kingston, Ontario, one of seven brothers. Tradition gives him rank with the demigods, owing to the magic power (orenda) with which he worked tirelessly to overcome the obstacles and difficulties of his task. He displayed astuteness and wisdom in framing the laws and establishing the fundamental principles on which the entire structure of the Iroquois confederation is based.

Omens foreshadowed his birth revealing that Deganawidah would be a source of evil to his people.[1] Three attempts were made to drown the new born infant, but each morning the young Deganawidah was found unharmed in his mother's arms. It was finally decreed that he should live. After growing to manhood, he departed southward in search of his foreordained mission. After Deganawidah reformed his disciple Hiawatha, they set out to bring an end to bloodshed and wars of revenge among the five Iroquois tribes of New York. They vowed to bring about peace among all Indians based on equality and brotherhood.

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[1] Deganawidah was born of Huron blood and the Iroquois by whom he was adopted were to destroy the Huron confederation.

HIAWATHA

Hiwatha began the work of reform among the Onondaga, though he was probably a member of the Mohawk Tribe. His year of birth is not certain but he came to power in the 1570's.

The first chief to bear the name Hiawatha (this name is hereditary in the Tortoise clan of the Mohawk Tribe) was a spokesman for Deganawidah and traveled throughout the Iroquois territory in an attempt to bring about unity and peace among all the Iroquois. His primary objective was to form a confederacy. He persuaded the Oneida, Mohawk and Cayuga to form a tentative union. After some time the Onondaga accepted the pleas to join the union on the condition that the Seneca also be included. Wathatotarho, the Onondaga chieftain, was considered a great sorcerer and because Hiawatha and Deganawidah brought him under the dominion of law and convention for the common welfare they were believed to have possessed an even greater power. In time, an aura of mystery surrounded Hiawatha, and he was given credit for doing things that correctly belonged to some of the chief gods of the Iroquois. Henry Wadsworth Longfellow made the name of Hiawatha familiar to the public, but not so his true character. His persuasive oratory style was the greatest factor in the joining of the Five Nations into a Confederacy.

APPENDIX II

Mohawk names for the Months of the Year and Some Important Dates

January - Tsotorokowa

5 - 1889: Iroquois people's petition to the Governor General of Canada signed by Joseph I. Brant and many petitioners, requesting that the Canadian government leave them alone to their own traditional system of chiefs.

20 - 1830: Red Jacket, wise orator of the Seneca Nation, died.

28 - 1712: North Carolina British forces attacked Tuscaroras and others camped on the Neuse River, killing 400.

February - Enskeha (Short days)

5 - 1897: Iroquois women petition the Canadian Minister of Indian Affairs that they want to keep the traditional system of chiefs.

9 - 1690: King Williams' War begins when a combined force of Iroquois and French attacked Schenectady, New York, outpost.

11 - 1794: First United States treaty with the Six Nations of the Iroquois Confederacy signed to establish peace relations and reservations. Although signed by George Washington to last "forever" the treaty was broken with the building of the Kinzua Dam in the 1960's.

13 - 1895: Public meeting held at Caughnawaga Mohawk reserve to hear Canadian officials chide and deny Indian requests for recognition of the traditional chiefs as opposed to municipal elected councillors.

22 - 1956: City of Cornwall, Ontario, obtained provincial approval to extend its boundaries to include the Cornwall Island part of the Mohawk Nation at Akwesasne. There was no prior consultation or approval of the Indians.

25 - 1745: Colonies pass legislation paying rewards for Indian scalps.

March - Enskowa (Longer days)

11 - 1816: Skenandoa, chief of the Oneidas, died. He had encouraged his nation to remain neutral when "the white peoples quarreled amongst themselves" in the Revolutionary War.

13 - 1890: Iroquois at Bay of Quinte, Ontario, petition the Canadian Government for recognition of their traditional system of government.

16 - 1649: A thousand Iroquois attacked a village of Hurons who had become loyal to French interests near the shore of Ontario's Georgian Bay.

20 - 1713: Colonel Moore of South Carolina led an attack on the Tuscaroras killing 200 and capturing 800 at Snow Hill. The remainder fled north and were taken in by the Iroquois Confederacy.

25 - 1713: Combined forces from North and South Carolina brutally attacked the Tuscaroras at Fort Nohoroco on Contentnea Creek.

April - Oneratoka (Promise of Nature)

May - Oneratekowa (Full Leaf Month)

9 - 1970: People of the Mohawk Nation at Akwesasne liberated Stanley Island in the St. Lawrence River.

30 - 1778: Joseph Brant, Mohawk chief and 300 Iroquois men attacked Cableskill, New York. Being forced to take one side or the other in the Revolutionary War, they had sided with the British.

31 - 1779: George Washington orders General Sullivan to wipe the Iroquois from the face of the earth--"not to be merely overrun but destroyed."

June - Oiariha (Fruit Month)

11 - 1970: Richard Oakes, Mohawk leader of the Alcatraz occupation was brutally beaten in San Francisco in an unprovoked attack.

15 - 1799: Gan-yo-die-yo (Handsome Lake) had the first of a series of visions while lying ill in Cornplanter's house. He fell into a trance which lasted seven hours. He was ordered to preach to his people to save them from corruption and degradation.

18 - 1763: Senecas capture Fort LeBoeuf.

19 - 1763: Senecas, Ottawas, Hurons and Chippewa men joined forces to reduce Fort Presqu' Isle on the present site of Erie, Pennsylvania.

26 - 1925: Deskaheh, Cayuga nationalist patriot, died in exile from Canada after years of work to maintain sovereignty of Iroquois Nations.

July - Oiarikowa (Everything is Getting Ripe)

12 - 1775: The Continental Congress appointed three commissioners to maintain friendship with the Indians.

26 - 1688: Twelve hundred Five Nations men invaded the island of Montreal to revenge French cruelty to the Indians. Over a thousand French settlers were killed while the Iroquois lost only three men.

August - Saskeha (Harvest Month)

29 - 1907: "The Disaster." Thirty-five Mohawk men were killed when a span of the Quebec Bridge on which they were working collapsed into the St. Lawrence River.

September - Saskekowa (Last Warning for the Harvest)

7 - 1763: Sir William Johnson enters in a council friendship with the Iroquois Confederacy.

8 - 1755: Hendrick, a Mohawk chief, was killed fighting for the English at the battle near Lake George, New York.

11- 1711: Tuscaroras and others attacked villages of Roanoke, Green County and farms along the Neuse and Trent Rivers. One hundred twelve settlers were killed. The Indians were protesting an invasion of their lands and actions of violence against them.

18 - 1763: More than 300 Senecas, aiding Pontiac liberation efforts, struck at the supply line to Detroit and ambushed a wagon train and a troop of soldiers on the portage road around Niagara Falls killing 72 officers and men.

22 - 1779: Gewauga, a village of Cayuga near the site of Springport, New York, on the east side of Lake Cayuga, was destroyed by General Sullivan.

October - Awentoha (Depression Month)

November - Awentorkowa (The Snow is Coming)

11 - 1778: Joseph Brant, Mohawk chief, infuriated by attacks which wiped out two Indian villages, led a raid against the town of Cherry Valley, New York.

24 - 1807: Thayendanegea (Joseph Brant) died. He was born in 1742. In 1879, a doctor and some medical students opened the grave and stole the body.

December - Tsotorha (Starting to Freeze)

18 - 1968: Akwesasne Mohawks blockade the Canadian-American bridge crossing their land and the St. Lawrence River to protest the presence of the Canadian customs house on their land without their consent, and Canadian refusal to recognize Indian rights to free passage across the border as commemorated in the Jay Treaty signed by Great Britain with the United States. Forty-eight men, women and children were arrested, but charges were later dropped. The incident is still open, for the matters have not yet been resolved.

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